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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,242	10/23/2001	Timo Vesterinen	975.371USW1	3310

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EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 06/02/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,242

Applicant(s)

VESTERINEN, TIMO

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 10/23/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 5, 6 and 15 are objected to because of the following informalities:

In claims 5, 6 and 15, it is not clearly defined in claim 5 & 15 as to what is meant by “control parameters of the gateway”. What is consider as a parameter? .

In claims 6 and 15, it is not clearly defined to what “loads control software for said interface establishing device (Gateway) via said first network into said interface establishing device” is referred. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 3, 6, 7, 8, 10, 13, 14, 15 are rejected under 35 USC 102(e) as being anticipated by **Petrunka et al.** (US Pat. No. 6122364).

In claims 1, 2, 7, 8, 13 and 14, **Petrunka et al.** discloses, in Fig.1&4, a network call center 1100 (network control device), data network 1500 (a first network), PSTN 1400 (a second network), a high level switch 1110 (switching device) and VOIP server 1140 (gateway) connected between the switch 1110 and the data network (gateway connected between switch device and the first network). A customer 1200 establishes a call to agent 1300 via PSTN 1400, switch 1110, VOIP server 1140 and IP network 1500 requesting for a service (telephone traffic is supplied from second network via switching device, gateway and first network). See col.4, line 56 to col.5, line 25. Server 1120 of call center 1100 instructs VOIP server 1140 to route the call to agent 1300 based on service request from customer 1200 to establish voice over IP network 1500 (network control device controls gateway using signaling associated with the first network). See col.3, lines 30-55.

In claims 6 and 15, **Petrunka et al.** discloses VOIP server 1140 includes a computer software components which converts voice to data and vice versa for transmitting over data network (loading software into gateway). See col.4, lines 22-30.

In claim 10, **Petrunka et al.** discloses, in Fig.1, the VOIP server 1140 (gateway) is connected to switch 1110 (gateway is connected to switching device). See col.5, lines 22-27.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 9, 11 and 12 are rejected under 35 USC 102(e) as being unpatentable over

Petrunka et al. (US Pat. No. 6,122,364).

In claims 4 and 9, **Petrunka et al.** discloses the gateway is a part of network control device, but does not disclose the network control service is located remotely from the gateway. However, it is a well-known skill in the art for the VOIP server 1140 (gateway) to locate separate from the network cal center 1100 (network control service). Therefore, it would have been obvious to one ordinary skill in the art to locate in the **Petrunka et al.** the network call center and VOIP server separately without changing functions of the inventions.

In claims 11 and 12, **Petrunka et al.** discloses that switch 1110 is connected to VOIP server 1140 (gateway). The switch 1110 is well-known in the art to have multiple ports or slots that switch data to different destination by using plug-in slots. Therefore, it would have been obvious to one ordinary skill in the art to connect the gateway to connecting means such as slots in place of exchange terminal.

Claim 5 is rejected under 35 USC 102(e) as being unpatentable over **Petrunka et al.** (US Pat. No. 6,122,364) in view of **Cheung et al.** (US pat. No. 6,657,957 B1).

In claim 5, **Petrunka et al.** does not disclose controlling parameters of the gateways. **Cheung et al.** discloses, in Fig.3, an admission control gateway 100 that determining network performance parameters such as call delays (determing parameters of gateways). See col.8, lines

25-45. Therefore, it would have been obvious to one ordinary skill in the art to determine network parameters in order to enhance network performance.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Doshi et al. (US Pat. No. 6,529,499 B1) discloses Method for Providing Quality of Service for Delay Sensitive Traffic over IP networks.

Liao et al. (US Pat. No. 6,611,533 B1) discloses Public Telephone network, Intelligent network, and Internet Protocol Network Services Interworking.

Ho (US Pat. No. 6,452,922 B1) discloses method and Apparatus for Fallback Routing of Voice over Internet protocol Call.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

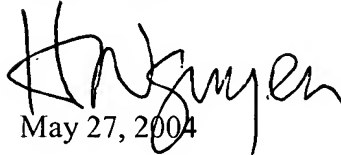
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 703 306-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



May 27, 2004